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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,655	03/16/2001	Areal Guerra Rogelio	G80-019 US	2667

7590 03/27/2002

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Empire State Building
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New York, NY 10118-0110

EXAMINER

ALVO, MARC S

ART UNIT	PAPER NUMBER
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1731 //

DATE MAILED: 03/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

T.D-11

Office Action Summary	Application No.		Applicant(s)	
	09/744,655		ROGELIO, AREAL GUERRA	
	Examiner		Art Unit	
	Steve Alvo		1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

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It is noted that the "clean copy" of claim 5, was corrected and thus is not a clean copy. A new "clean copy" of claim 5 should be submitted.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as obvious over CANADIAN PATENT 2,142,195.

CANADIAN PATENT 2,142,195 teaches deacidifying paper (cellulose-type material) by preparing a solution of carbonated alkoxymagnesium compounds (page 6, lines 1-8) and diluted with a hydro fluorocarbon. CANADIAN PATENT 2,142,195 teaches using several different homologs of alkoxymagnesium compounds, e.g. methoxymagnesium methyl carbonate and ethoxymagnesium methyl carbonate and teaches that "other suitable carbonated magnesium alkoxides can be prepared by either of the above methods using other solvents to produce the corresponding homologs of methoxymagnesium methyl carbonate", see page 13-16.

CANADIAN PATENT 2,142,195 teaches using methanol to produce methoxymagnesium methyl carbonate and ethanol to produce ethoxymagnesium methyl carbonate. Thus it would have been obvious to use the homolog propanol to produce the homolog carbonated magnesium propoxide, e.g. carbonated magnesium di-n-propylate. See page 6 for carbonated magnesium alkoxide in solvent of 5%. The exact amounts of components would have been obvious to the routineer. Claims 7 and 8, see CANADIAN PATENT 2,142,195, page 5, line 27-page 6, line 8.

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The argument that the instant solvents can be used in higher concentrations than the CANADIAN PATENT is not convincing as claim 2 calls for a concentration of 1-10 %. This does not differ from the ^{5.0}~~5.0~~, e.g. the 5 to 20% disclosed by the CANADIAN PATENT (page 6, lines 20-21).

The argument that the instant composition does less damage than the composition of the CANADIAN PATENT is not convincing as a comparison has not been made to the closest prior art, e.g the CANADIAN PATENT.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

When filing an “Official” FAX in Group 1730, please indicate in the Header (upper right) “Official” for papers that are to be entered into the file. The “Official” FAX phone numbers for this TC 1700 are:

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Any inquiry concerning this communication or earlier communications from the **primary examiner** should be directed to **Steve Alvo** whose telephone number is **(703) 308-2048**. The Examiner can normally be reached on Monday - Friday from **6:00 AM - 2:30 PM (EST)**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Stanley Silverman, can be reached on 703-308-3837.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Group receptionist** whose telephone number is **(703) 308-0661**.

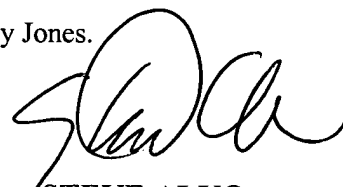
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Carolyn E. Johnson, Marshall Gaddis, Bessie Bowie, Lucy Jones.



STEVE ALVO
PRIMARY EXAMINER
ART UNIT 1731

MSA
3/22/02